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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/771,719	01/30/2001	Timothy W. Rawlings	8846.00	9476

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EXAMINER

AHMAD, NASSER

ART UNIT	PAPER NUMBER
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1772

5

DATE MAILED: 01/08/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

AS-5

Office Action Summary

Application No.
09/771,719

Applicant(s)
Rawlings et al.

Examiner
Nasser Ahmad

Art Unit
1772



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE three MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Sep 23, 2002
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above, claim(s) 11-16 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

Art Unit: 1772

1. Applicants' election with traverse is acknowledged. However, in paper no. 4, filed on September 23, 2002, in the absence of any grounds of traversal, the restriction requirement is still deemed proper and is therefore made FINAL.

Further, if the claims of group I are found to be allowable, the non-elected methods may be rejoined if it includes all the limitations of the allowable claims.

2. Claims 1-10 are rejected under 35 USC 112, second paragraph for reasons of record in paper no. 3, paragraph - 9 mailed on June 18, 2002.

3. Claims 1-5 and 8-10 are rejected under 35 USC 102(e) as being anticipated by Fox for reasons of record in paper no. 3, paragraph - 12.

4. Claims 1-10 are rejected under 35 USC 103(a) as being unpatentable over Fox for reasons of record in paper no. 3, paragraph - 14.

5. Applicant's arguments filed September 23, 2002 have been fully considered but they are not persuasive.

Applicant argues that amendment to claim 1 overcomes the 35 USC 112, second paragraph. This is not found to be convincing because now it is unclear as to the location of the facesheet with respect to the label sheet.

Applicant also argues that Fox fails to teach a label sheet with two opposing printable sides. This is not deemed to be persuasive because Fox's label sheet, as in the instant application, comprises a face sheet, an adhesive layer bonded to the face-sheet and a release liner adhered to the adhesive. Thus, the label sheet of Fox can have two opposing printable sides. This is because the top surface of the face sheet can be printable and the bottom surface of the release liner can be printable. In the alternative, Fox's label sheet (12) includes the portion (26)

Art Unit: 1772

which can be printable on both sides. Also, the phrase "printable" can be taken to be an intended future use of the sheet for printing and hence, not be a positive limitation.

Regarding applicant's allegation that there is no teaching within Fox reference that the ties will prevent delamination from second printing, applicant is informed that it is not necessary for the features to be expressly suggested in the reference to be obvious. The provision of having a second face sheet adhesively adhered to the opposite side of a release liner would have involved mere duplication of parts and reducing waste. As for the ties to prevent delamination, with all the features of the laminated structures being the same in both the instant application and the Fox reference, the prevention of delamination from a second printing would also have been obvious. Additionally, applicant has failed to provide any evidence to that effect.

Thus, in the absence of any evidence to the contrary, it remains the Examiner's position that the instant claimed invention is anticipated or rendered obvious over the prior art of record discussed above.

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

Art Unit: 1772

however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.


7. This application contains claims 11-16 drawn to an invention nonelected with traverse in Paper No. 3. A complete reply to the final rejection must include cancellation of nonelected claims or other appropriate action (37 CFR 1.144) See MPEP § 821.01.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nasser Ahmad whose telephone number is 703-308-4424. The examiner can normally be reached on Monday-Thursday from 7:30 am to 5 pm. The examiner can also be reached on alternate Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Harold Pyon can be reached on 703-308-4251. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9310 for regular communications and 703-872-9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.

N Ahmad/mn
January 6, 2003


NASSER AHMAD
PRIMARY EXAMINER